AUG 27 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KWOK et al. Atty. Ref.: 4398-224; Confirmation No. 2378

Appl. No. 10/068,963 TC/A.U. 3761

Filed: February 11, 2002 Examiner: Darwin P. Erezo

For: NASAL MASK AND MASK CUSHION THEREFOR

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August 27, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

Responsive to the Official Action dated June 14, 2004, please amend the above-identified application as follows:

1/30/2004 SZEWDIE1 00000116 10068963
1 FC:1202 90.00 OP

Adjustment date: 02/18/2005 SDIRETA1
10/21/2004 SLITTLE 00000002 141140 10068963
01 FC:1202 1044.00 CR
02 FC:1201 774.00 CR

10/21/2004 SLITTLE 00000002 141140 10068963
01 FC:1202 1044.00 DA
02 FC:1201 774.00 DA

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OIPE JAN 05 2005

DIVISION

DEP'T REF Room 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 JAN -7 P 1:25

In re Patent Application of

KWOK et al.

Serial No. 10/068,963

Filed: February 11, 2002

For: NASAL MASK AND MASK CUSHION THEREFOR

Atty. Ref.: 4398-224

TC/A.U.: 3761

Examiner: Darwin P. Erezo

* * * * * * * * * * *

January 5, 2005

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

The deposit account for Applicants' undersigned representative was erroneously charged $1,044.00 (Fee Code 1202) and $774.00 (Fee Code 1201) on October 21, 2004 (copy enclosed). Applicants' undersigned representative requests a refund to Deposit Account No. 14-1140 in the amount of $1,818.00 for the following reasons.

The above-identified application was filed February 11, 2002. According to Box 14 of the Application Transmittal Cover Sheet and the Preliminary Amendment, claims 1-22 were canceled and new claims 23-39 were added leaving 17 claims, 5 of which are independent. (Claim 1 was canceled in the Preliminary Amendment while claims 2-22 were identified in Box 14 of the application Transmittal for cancellation purposes.) The appropriate filing fee of $948.00 was filed with the application ($908 filing Fee, $40 Assignment Recordation).

It is believed that Applicants are being charged for original claims 1-22 that were canceled upon filing and in any event were never examined by the Patent Office. This was explained to PTO employee Kimberly Cooper (703-305-3459) on September 27, 2004.

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A Supplemental Preliminary Amendment was filed March 29, 2002 adding new claims 40-99 leaving 77 claims, 14 of which are independent, and the appropriate filing fee of $1,782.00.

The first Office Action was issued on June 25, 2003 addressing only claims 23-99. Claims 1-22 were not addressed or examined since they were canceled or at least understood by the examiner as being canceled, e.g., Box 4 of the PTOL-326 only indicates that "claims 23-99" were pending at that time.

Finally, an Amendment was filed on August 27, 2004 adding new claims 100-104, leaving claims 23-104 pending (82 total claims, 14 of which are independent). The appropriate filing fee of $200 was paid ($90.00 for additional claims and $110.00 for one month extension of time).

Applicants' undersigned representative believes that all filings for this application have been submitted with the correct fees. Therefore, the Patent Office is requested to refund $1,818.00 to Deposit Account No. 14-1140 at the earliest possible convenience.

Should any additional information be needed regarding this Request, the Patent Office is invited to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

Paul T. Bowen
Reg. No. 38,009

PTB:jck
Attachment: Copy of Deposit Account Statement

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

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10/07	1	09688170	~~3572-26 HWB~~	~~1253~~	~~$950.00~~	$14,495.98	fee code 34
10/07	9	76327272	4080-2 DMB	6001	$335.00	$14,160.98	
10/07	112	10509894	4062-127 LSN	1616	$10.00	$14,150.98	
10/07	162	10483835	2590-88 DMB	8021	$40.00	$14,110.98	
10/08	1	09582863	3525-86 LCM	1203	$290.00	$13,820.98	
10/08	2	10805492	3870-53 BHD	1202	$54.00	$13,766.98	
10/08	2	09582863	3525-86 LCM	1202	$144.00	$13,622.98	
10/08	2	*10036683	~~010842~~	1251	$110.00	$13,512.98	
10/08	4	09801672	~~1035-310 HWB~~	~~1253~~	~~$110.00~~	$13,402.98	
10/08	6	09623709	3525-96 LCM	1251	$110.00	$13,292.98	
10/08	28	10783095	4483-4 LCM	1201	$172.00	$13,120.98	
10/08	72	10510132	1035-530 FPP	1614	$32.00	$13,088.98	
10/08	215	PCT/US04/04174	~~4278-4 GRT~~	~~1604~~	~~$1,000.00~~	$12,088.98	**
10/12	5	10892490	839-1606 MJK	1051	$22.00	$12,066.98	
10/12	51	10510338	4147-89 HWB	8021	$30.00	$12,036.98	
10/12	391	10510446	330-285 ARC	1611	$30.00	$12,006.98	
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10/13	2	09582863	3525-86	1202	-$144.00	$12,440.98	
10/14	5	60608923	> 4481-9 GRT	2005	$80.00	$12,360.98	
10/14	6	60608923		2052	$25.00	$12,335.98	
10/14	36	10961038	2018-938 LSN	1201	$88.00	$12,247.98	
10/14	59	REPLENISHMENT		9204	-$5,000.00	$17,247.98	
10/14	499	10510733	1035-540 HWB	8021	$36.00	$17,211.98	
10/15	5	10415007	2834-67 FPP	9204	-$572.00	$17,783.98	
10/15	23	10750220	4301-4 MJS	2254	$21.00	$17,762.98	
10/15	23	10450165	3687-46 BHD	1505	-$300.00	$18,062.98	
10/18	1	10129624	550-336 > SCS	1615	-$36.00	$18,098.98	
10/18	2	10129624	550-336	1616	-$280.00	$18,378.98	
10/18	2	10489359	2818-197 ARC	1615	$72.00	$18,306.98	
10/18	6	09759510	1035-300 HWB	1811	$100.00	$18,206.98	
10/18	227	09806831	2590-30 > MJS	2501	$5.00	$18,201.98	
10/18	229	09806831	2590-30	8001	$15.00	$18,186.98	
10/19	2	76528571	4370-3 DJB	6001	$670.00	$17,516.98	
10/19	187	10920462	2551-139 GJS	9204	-$1,122.00	$18,638.98	
10/20	1	09582863	3525-86 LCM	1202	$72.00	$18,566.98	
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10/20	5	09545002	1430-238 GRT	8001	-$15.00	$18,881.98	
10/20	6	09545002		9204	-$1,315.00	$20,196.98	
10/20	7	09545002		9204	-$15.00	$20,211.98	
10/20	82	10367896	3410-41 FPP	2201	$3.00	$20,208.98	
10/20	420	6790886	2101-9 BHD	8021	$40.00	$20,168.98	
10/21	1	10747293	30-571 > JHN	1201	$176.00	$19,992.98	
10/21	2	10747293	30-571	1202	$270.00	$19,722.98	
10/21	2	10068963	4398-2 ~~P290534~~ BPT	1202	$1,044.00	$18,678.98	
10/21	2	10358401	2491-24 PTB	2251	$55.00	$18,623.98	
10/21	3	10068963	4398-2 ~~P290534~~ BPT	1201	$774.00	$17,849.98	
10/21	287	PCT/US04/34422	1800-41 > RWF	1703	$640.00	$17,209.98	
10/21	289	PCT/US04/34422	1800-41	8007	$60.00	$17,149.98	

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